

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-15021 - APPLICANT/OWNER: JEFFREY D. AND  
DENISE L. MAZUR**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-1/gt vote) and staff recommend DENIAL.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-15019).
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is an appeal filed by the applicant from the denial by the Planning Commission of request for Variance to allow the floor area of a proposed non-habitable accessory structure to be 86 percent of the principal dwelling unit where 50 percent is the maximum area allowed on 0.47 acres at 6230 Corbett Street.

**EXECUTIVE SUMMARY**

The floor area requirement for a non-habitable accessory structure stipulates that its floor area shall not exceed 50 percent of the floor area of the principal structure. The applicant is proposing a 1,520 square-foot structure where 880 square feet would be the maximum allowed.

This Variance request cannot be supported as the applicant has created a self-imposed hardship by attempting to overbuild the site. Redesign of the non-habitable structure would allow for conformance to the floor area limitations imposed by Title 19.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 08/24/06 | This application was held in abeyance for the applicant to address staff concerns with the project.        |
| 09/07/06 | The Planning Commission recommended denial of companion item SUP-15019 concurrently with this application. |
| 09/07/06 | The Planning Commission voted 6-1/gt-0 to recommend DENIAL (PC Agenda Item #38/jm).                        |

***B) Pre-Application Meeting***

- |          |   |
|----------|---|
| 06/20/06 | At the pre-application meeting, the applicant was informed that the size of his proposed non-habitable accessory structure would exceed the minimum standard of fifty percent of the floor area of the principal dwelling unit constructed on the same lot. |
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***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

## DETAILS OF APPLICATION REQUEST

### A) *Site Area*

Net Acres: 0.47

### B) *Existing Land Use*

Subject Property: Single Family Residential  
North: Single Family Residential  
South: Vacant  
East: Single Family Residential  
West: Single Family Residential

### C) *Planned Land Use*

Subject Property: R (Rural Density Residential)  
North: R (Rural Density Residential)  
South: R (Rural Density Residential)  
East: R (Rural Density Residential)  
West: R (Rural Density Residential)

### D) *Existing Zoning*

Subject Property: R-E (Residence Estates)  
North: R-E (Residence Estates)  
South: R-D (Single Family Residential-Restricted)  
East: R-E (Residence Estates)  
West: R-E (Residence Estates)

### E) *General Plan Compliance*

The subject site is located within the Centennial Hills Sector of the Master Plan with a RNP (Rural Neighborhood Preservation) designation, which allows for residential development with up to two units per acre. The existing R-E (Residence Estates) zoning district is consistent with the Master Plan, and the proposed habitable structure is a permitted use with the approval of a Special Use Permit.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is located with the Rural Preservation Overlay District; however, because an accessory structure does not increase residential density, this application is not affected by the provisions of the overlay district.

## **ANALYSIS**

### **A) Zoning Code Compliance**

#### **A1) Development Standards**

Pursuant to Title 19.04 and 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Requested</b>	<b>Compliance</b>
Min. Lot Size	20,000	20,473 Feet	Y
Min. Setbacks			
• Side	3 Feet	7 feet	Y
• Rear	3 Feet	65 feet	Y
• From House	6 Feet	7 feet	Y
Max. Building Height	2 Stories / 35 Feet	1 story/ 16 Feet	Y
Gross Floor Area (max)	880 Feet	1520 Feet	N

The subject proposal exceeds the maximum amount of allowable gross floor area and is the subject of this Variance request.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict

application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by attempting to overbuild the site. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 131 by City Clerk

**APPROVALS** 0

**PROTESTS** 1